

complaint

Miss S complains that RCI Financial Services Limited won't let her reject a car she got through it on finance.

background

Miss S says she went into a car dealership and ordered a black car. But when it was delivered, it was white.

She complained to the dealership. The dealership said she'd ordered a white car. But it did offer a few options to help resolve the dispute.

Miss S didn't feel able to accept any of the options, so she contacted RCI, the finance provider.

RCI wasn't able to mediate a resolution between Miss S and the dealership. Miss S asked to return the car and walk away with no further cost to her. RCI said that it thought Miss S had ordered a white car, so it wasn't willing to let her reject it.

Miss S brought the complaint to us. One of our investigators looked into the matter. From the paperwork she'd seen she thought Miss S had ordered a white car, so she didn't think she could ask RCI to let her reject it.

Miss S didn't accept our investigator's opinion that it was a white car that'd been ordered. So the complaint has been passed to me.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I've come to the same conclusion as our investigator, for broadly the same reasons.

I should point out that this decision is about Miss S's complaint against RCI, as the finance provider. This means I'm limited to looking at the sale of car, and RCI's actions. I can't comment on the actions of the dealership after the sale took place.

As the finance provider, RCI is responsible for the quality of the car, and ensuring Miss S was supplied with what she ordered. The quality of the car isn't in question. So I need to decide if Miss S got what she ordered.

Where information is contradictory as it is in this case, I need to decide what I think's most likely to have happened.

Miss S says she ordered a black car. The dealership says she ordered a white one, and that this was because white paint was cheaper than other colour options.

I've seen a 'Confirmation of Registration Details' form, dated 29 May 2016. This shows the colour of the car as 'ARCTIC WHITE'. The way the form is set out makes the colour of the car easy to spot - so I think a reader would notice it. I can see Miss S's title was changed from 'Mrs' to 'Ms' by hand, which suggests the document was checked for accuracy by

Miss S. And Miss S signed the form, confirming the information on it was correct. I note the date of registration is some days out. But I don't think this takes away from Miss S seeing the form. It seems to me that if Miss S had ordered a black car she would've queried this at the time – but it doesn't look like she did.

The car was delivered on 31 May 2016. Miss S didn't accept the car because it was white, not black. It seems there's been quite a lot of contact between Miss S and the dealership since. And for several months the dealership allowed Miss S temporary use of another car. This was a higher spec car, and was white. It seems Miss S was interested in swapping the car she ordered for the temporary car, which suggests she wasn't against having a white one.

Taking everything I've seen into account, I think it's more likely Miss S ordered a white car – which is what she got. So I can't fairly ask RCI to take any further action on this complaint.

I'm aware of some outstanding issues between Miss S and the dealership. But as I've said, I can't comment on those.

my final decision

I know this will come as a disappointment to Miss S. But for the reasons I've explained, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 1 March 2017.

James Langford
ombudsman